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GENERAL AND COMPLETE DISARMAMENT

Moratorium on the export of anti-personnel land-mines

Report of the Secretary-General

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I. INTRODUCTION

1. On 16 December 1993, the General Assembly adopted resolution 48/75 K, entitled "Moratorium on the export of anti-personnel land-mines", which reads as follows:

> "The General Assembly,
>
> "Noting that there are as many as 85 million uncleared land-mines throughout the world, particularly in rural areas,
>
> "Expressing deep concern that such mines kill or maim hundreds of people each week, mostly unarmed civilians, obstruct economic development and have other severe consequences, which include inhibiting the repatriation of refugees and the return of internally displaced persons,
>
> "Recalling with satisfaction its resolution 48/7 of 19 October 1993, by which it, inter alia, requested the Secretary-General to submit a comprehensive report on the problems caused by mines and other unexploded devices,
>
> "Convinced that a moratorium by States exporting anti-personnel land-mines that pose grave dangers to civilian populations would reduce substantially the human and economic costs resulting from the use of such devices and would complement the aforementioned initiative,
>
> "Noting with satisfaction that several States have already declared moratoriums on the export, transfer or purchase of anti-personnel land-mines and related devices,
>
> "1. Calls upon States to agree to a moratorium on the export of anti-personnel land-mines that pose grave dangers to civilian populations;
>
> "2. Urges States to implement such a moratorium;
>
> "3. Requests the Secretary-General to prepare a report concerning progress on this initiative, including possible recommendations regarding further appropriate measures to limit the export of anti-personnel land-mines, and to submit it to the General Assembly at its forty-ninth session under the item entitled 'General and complete disarmament'."

2. In pursuance of the request contained in paragraph 3 of resolution 48/75 K, and with a view to facilitating the preparation of the report, the Secretary-General, in a note verbale dated 3 March 1994, requested that Member States provide the relevant information on the matter by 30 June 1994. Information has been received thus far from Argentina, Austria, Belgium, Canada, Finland, France, Germany, Greece, Israel, Malta, Spain, Turkey, Ukraine and the United States of America. Any additional information received from Member States will be issued as addenda to the present report.

II. APPROPRIATE MEASURES TAKEN TO LIMIT THE EXPORT OF ANTI-PERSONNEL LAND-MINES

3. Anti-personnel land-mines have been extensively used by Governments, dissident armed forces and other organized armed groups. They are inexpensive, easy to use, frequently undetectable and dangerous to remove. They have been used in all conflicts, and particularly in recent armed conflicts not of an international character. They can be placed by hand or scattered by the thousands, even by airplane. Frequently, anti-personnel land-mines are not removed after the cessation of active hostilities. Their use to disrupt the economic and social development of entire regions by isolating whole communities, depopulating vast areas of territory and preventing the return of refugees is frequently alleged, and their indiscriminate use, against civilians, is a fact, occurring world wide several times daily. They are a dangerous hindrance to peace-keeping operations and to the activities of international relief organizations. Uncleared anti-personnel land-mines have been accurately characterized as "a weapon of mass destruction in slow motion".

4. It is estimated that there are more than 110 million uncleared land-mines in the world and that the removal of each one will cost between $300 and $1,000, while more than 800 deaths or injuries will result from them world wide each month. Although mine clearance and victim assistance programmes are in urgent need of greater international financial and political support, there is growing consensus that they alone cannot solve the problem (see A/49/357 and Add.1). As the Secretary-General stated in an Agenda for Development, "The world is awakening to the reality that the proliferation of land-mines poses a major obstacle to development and must be halted" (A/48/935, para. 26).

5. Over a period of years, the magnitude of the problem and the understanding that the international community can solve it only through a determined and comprehensive approach have motivated several initiatives at the unilateral, multilateral and regional levels.

A. Unilateral initiatives

6. In October 1992, the United States of America adopted an export moratorium on anti-personnel land-mines. In 1993, that moratorium was extended for three years. In February 1993, France declared an export moratorium on anti-personnel land-mines and in July 1993, Belgium declared an indefinite export and transit moratorium on anti-personnel land-mines.

7. After the approval by the General Assembly on 16 December 1993 of resolution 48/75 K, which calls upon States to agree to a moratorium on the export of anti-personnel land-mines, a number of States heeded that request and provided the Secretary-General with relevant information. Argentina declared a five-year moratorium on the export of anti-personnel land-mines. Austrian legislation prohibits the export of any armaments, including land-mines, into regions in which armed conflicts or other dangerous tensions exist or which are prone to conflicts. Canada declared an export moratorium on anti-personnel land-mines which will remain in effect until a permanent international agreement is reached to control the export of land-mines. Finland does not export

anti-personnel land-mines. Germany declared a three-year moratorium, Greece an indefinite moratorium, and Israel a two-year moratorium on the export of anti-personnel land-mines. Malta fully supports the call made by the General Assembly for the international moratorium. Spain declared a one-year moratorium on the export of anti-personnel land-mines, and Turkey does not export them. Ukraine is preparing national measures to introduce a moratorium on the export of anti-personnel land-mines (see communications of States reproduced in chap. III below).

8. During the work of the Group of Governmental Experts to prepare the review conference for the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, 1/ several delegations announced initiatives related to the international moratorium on the export of anti-personnel land-mines. Cambodia declared that it would legislate a ban on land-mines and would request that producing countries cease exporting them to Cambodia. The Czech Republic is preparing to declare a three-year moratorium on the export of anti-personnel land-mines. Italy is considering a moratorium on the production and export of such mines and, as of November 1993, does not authorize their export. The Netherlands has had in effect since September 1993 a selective moratorium on the export of anti-personnel land-mines to those States that are not parties to the Convention and its Protocol II (the land-mines protocol). 2/ South Africa has declared an indefinite moratorium on the marketing, export and transit of all types of land-mines. The United Kingdom of Great Britain and Northern Ireland is implementing an indefinite moratorium on the export of anti-personnel land-mines that do not have a self-destructing or self-neutralizing capability.

9. The United States has approached States that either produce or export anti-personnel land-mines, requesting that they also adopt export moratoria. The United States also plans to follow up those efforts by proposing discussions which could result in a permanent international control regime for anti-personnel land-mines. In the same context of establishing a coordinated multilateral approach to the problems caused by the indiscriminate use of land-mines, proposals have been made by the United Kingdom in the Conference on Disarmament, and by Australia, Sweden and the Netherlands in the Group of Experts.

B. Multilateral initiatives

10. In the Conference on Disarmament, the United Kingdom proposed that States should consider applying a code of conduct to the transfer of anti-personnel land-mines. The unilateral or multilateral implementation of that proposal would not permit the export of anti-personnel land-mines to States that are not parties to the Convention and its Protocol II. In the Group of Experts, Australia, Sweden and the Netherlands proposed that a new article be introduced in the revised Protocol II to the Convention with the aim of denying access to anti-personnel land-mines by States not adhering to the Protocol, and allowing exports and transfers of anti-personnel land-mines only for those types that are detectable and self-destructing or self-neutralizing.

11. Having gained momentum from unilateral initiatives, the issue of prohibiting or restricting the international transfer of anti-personnel land-mines is now acquiring a multilateral dimension within the negotiations to amend Protocol II of the Convention and in other forums concerned with export control regimes.

12. At its forty-eighth session, the General Assembly considered the grave consequences of the indiscriminate use of mines in relation to three questions: (a) a moratorium on the export of anti-personnel land-mines; (b) assistance in mine clearance; and (c) the Convention on Certain Conventional Weapons and its Protocol II. It adopted a resolution on each.

13. The developments resulting from the first two initiatives, pursuant to the request of the General Assembly, are described in previous paragraphs or in the report of the Secretary-General on assistance in mine clearance. It seems appropriate also to report on the developments resulting from the adoption by the General Assembly of resolution 48/79 of 16 December 1993.

14. Consultations among the States parties to the Convention on a proposal by France to convene a review conference of the Convention led to the presentation in the First Committee of a draft resolution entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects". The relevant operative paragraphs of that resolution read as follows:

> "5. Welcomes the request to the Secretary-General to convene at an appropriate time, if possible in 1994, in accordance with article 8, paragraph 3, of the Convention, a review conference of the Convention;
>
> "6. Encourages the States parties to request the Secretary-General to establish as soon as possible a group of governmental experts to prepare the review conference of the Convention and to furnish needed assistance and assure services, including the preparation of analytical reports that the review conference and the group of experts might need;
>
> "7. Calls upon the maximum number of States to attend the conference, to which the States parties may invite interested non-governmental organizations, in particular the International Committee of the Red Cross;".

15. Pursuant to General Assembly resolution 48/79 and the subsequent request of 30 States parties to the Convention, the Secretary-General of the United Nations, in his capacity as depositary of the Convention, established the Group of Experts. The Group held its first, second and third sessions at the Palais des Nations at Geneva from 28 February to 4 March 1994, from 16 to 27 May 1994, and from 8 to 19 August 1994, respectively. The progress reports of the Group for all three sessions are contained in documents CCW/CONF.1/GE/4, 8 and 21, respectively.

16. The Group of Experts is preparing, on a priority basis, specific proposals for amendments to Protocol II of the Convention for the purpose of strengthening prohibitions or restriction on the use of mines, booby traps and other devices,

particularly those that are not detectable and self-destructing or self-neutralizing. It is also considering extending the scope of application of Protocol II to include armed conflicts that are not of an international character, and the addition to Protocol II of provisions relating to verification, fact-finding missions and compliance.

17. The proposals before the Group of Experts include prohibiting the development, manufacture, stockpiling, use and transfer of booby traps and certain types of mines, in addition to those referred to in paragraph 10 above, aimed at establishing restrictions on international transfers of anti-personnel land-mines.

18. Wider in scope are the proposals advanced in the Group of Experts by Estonia, Mexico and Sweden to establish a total ban on anti-personnel land-mines.

19. The substantive work completed by the Group of Experts during the first three sessions enabled the Chairman, Mr. Johan Molander of Sweden, to integrate all the proposals in a consolidated rolling text. The Chairman's rolling text represents the progress achieved in the substantive work of the Group of Experts because it encompasses all proposals advanced so far and reflects them in treaty language, structured in the form of an amended Protocol.

20. The rolling text includes draft articles on the following subjects: the scope of application of Protocol II; prohibitions and restrictions on the use of mines, booby traps and other devices; prohibitions and restrictions on their transfer; protection of United Nations and other forces or missions; international cooperation and assistance in the removal of mines, booby traps and other devices; and verification, fact-finding missions and compliance.

21. The Group of Experts decided to hold an additional session at Geneva from 9 to 20 January 1995 to continue its substantive work. It also decided that the review conference would be held at Geneva within the time-frame 25 September to 13 October 1995. The exact duration will be decided at the fourth session of the Group.

C. Regional initiatives

22. Further progress in limiting the grave consequences resulting from the indiscriminate use of land-mines could also be achieved at the regional and subregional levels through initiatives promoted by regional organizations or groups of countries. An example of such an initiative is the resolution adopted by the twenty-fourth General Assembly of the Organization of American States on 9 June 1994 entitled "Regional contribution to global security: anti-personnel land-mines". That resolution reads as follows:

> "The General Assembly,
>
> "Noting the existence of as many as one million uncleared anti-personnel land-mines located throughout the Americas, particularly in rural areas,

"Noting also that anti-personnel land-mines, in particular, are often indiscriminate in their effects and that the majority of people killed, maimed or injured by these mines are civilians, many of whom are children,

"Recognizing that the presence of uncleared land-mines inhibits the social and economic rehabilitation of communities in post-conflict periods and can impede the return of refugees and persons displaced by war or civil unrest to their homes,

"Noting the recognition of mine deactivation efforts in Central America contained in AG RES.1191 (XXII-O/92), and commending these and other efforts at mine clearing that are being carried out,

"Recognizing the important contribution to addressing the problem of land-mines made by the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

"Convinced that the forthcoming review conference on the 1980 Convention, to take place at Geneva in 1995, will provide an opportunity to strengthen the Convention, inter alia, by extending the Convention to cover non-international conflicts,

"Calls upon all member States that have not yet done so to take measures to become parties to the Convention so that that instrument will become universal,

"Reiterating the commitment of the Organization of American States to promoting and making an effective contribution to regional security in ways which complement and reinforce efforts by the United Nations to strengthen and maintain global peace and security,

"Noting the efforts and progress made on this issue in other multilateral forums, in particular the work under way within the United Nations, including resolution 48/75 K of 16 December 1993 of the United Nations General Assembly requesting the Secretary-General of the United Nations to submit a comprehensive report on the problems caused by mines and other unexploded devices,

"Resolves:

"1. To call upon those member States that have not already done so to take all measures necessary to become parties to the 1980 Convention and to participate actively at the review conference with an aim of fundamentally strengthening the Convention;

"2. To build on their special experience in the Americas to give impetus to global efforts to deal with the question of land-mines by recommending to the Special Committee on Hemispheric Security to consider in its programme of work the issue of land-mines;

"3. To encourage member States to provide the Secretary-General of the United Nations information which could assist in the preparation of the report called for in United Nations General Assembly resolution 48/75 K;

"4. To report on progress on this issue at its twenty-fifth regular session."

III. INFORMATION RECEIVED FROM GOVERNMENTS

ARGENTINA

[Original: Spanish]

[23 May 1994]

1. The Argentine Republic has decided to declare a five-year moratorium, without exception, on the export, sale or transfer of all anti-personnel mines.

2. This measure has been taken in pursuance of General Assembly resolution 48/75 K of 16 December 1993, in which the Assembly "calls upon States to agree to a moratorium on the export of land-mines that pose grave dangers to civilian populations".

3. The moratorium that Argentina has decreed is in keeping with its support for efforts to minimize the grave harm caused by these devices throughout the world, mainly to civilian populations.

4. The Argentine Republic urges all countries that produce anti-personnel mines to solve this problem for humanity, which claims more than 150 victims a week.

5. The moratorium that the Argentine Government has declared on the export of anti-personnel mines constitutes the basis for future measures to establish a permanent regime for monitoring these types of devices. Thus, this moratorium represents a first step in mitigating the damage caused by explosions of anti-personnel mines.

AUSTRIA

[Original: English]

[3 June 1994]

1. As long as international norms do not impose relevant obligations, the Austrian legal system only provides for general export restrictions for armaments (embargoes), which have to be related to specific countries.

2. The export of "anti-personnel land-mines" from Austrian territory is, like all other armaments, subject to the stringent legal provisions pertaining to armaments (Kriegsmaterialgesetz). The relevant law prohibits the export of any armament, including land-mines, into regions in which armed conflicts or other

dangerous tensions exist or which are prone to conflicts. For exports into such regions, permits are either not issued or, if necessary, revoked.

3. Austria welcomes all initiatives to prohibit or restrict excessively injurious arms and is thus prepared to participate in future negotiations on internationally binding rules and provisions concerning the export of land-mines.

BELGIUM

[Original: French]

[16 June 1994]

Belgium has the honour to announce that, in July 1993, the Belgian Government decided to declare a moratorium for an indefinite period on the export and transit of anti-personnel mines.

CANADA

[Original: English]

[6 July 1994]

Canada has not exported land-mines since 1987 and has announced a formal moratorium on exports in accordance with General Assembly resolution 48/75 K, which we were pleased to co-sponsor. This moratorium will be in effect until a permanent international agreement is reached to control the export of land-mines. Canada is committed to alleviating the devastation caused by the indiscriminate use of land-mines. In this regard, Canada is pleased to announce that it has ratified the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. Canada would encourage those countries which have not yet signed and ratified this Convention to do so, and urges all nations to support efforts to strengthen and expand the terms of this Convention at the 1995 Review Conference.

FINLAND

[Original: English]

[23 June 1994]

1. With regard to the request expressed to the Secretary-General in General Assembly resolution 48/75 K, in its paragraph 3, to prepare a report for the United Nations General Assembly at its forty-ninth session "including possible recommendations regarding further appropriate measures to limit the export of anti-personnel land-mines", Finland would like to state the following:

(a) In view of General Assembly resolution 48/79, and in accordance with the request of 30 States parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, the Secretary-General has decided to convene a conference to review the provisions of the Convention. For that purpose, he has established a group of governmental experts to prepare the Review Conference.

(b) The Group of Governmental Experts has initiated its work and the Review Conference is planned to take place in 1995. The focus of the work of the Group is agreed to be on the preparation of concrete proposals for amendments to Protocol II of the Convention, that is, the so-called mine protocol (Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices).

(c) According to the States parties to the Convention, the purpose of this work is, first of all, "to strengthen restrictions on the use of anti-personnel mines and, in particular, those without neutralizing or self-destruction mechanisms". Likewise, the verification system for the provisions of this Protocol is supposed to be considered and opportunities are to be studied for broadening the scope of the Protocol to cover armed conflicts that are not of an international character.

(d) Finland, as one of the States parties of the Convention, fully supports these goals of the work of the Group of Governmental Experts and hopes that the necessary amendments to the Protocol could consequently be approved. The continuous civilian casualties and other severe consequences to civilian populations of millions of uncleared mines in various parts of the world call for the international community to intensify its efforts against irresponsible use of anti-personnel mines.

(e) The Government of Finland believes that there is an obvious need to address the shortcomings of Protocol II. This would hopefully also lead to more faithful compliance to the Convention. The presently low number of ratifications of the Convention has to be recognized as a major problem in efforts seeking wider adherence of the international community to this Convention.

(f) The ongoing work in the Group of Governmental Experts and the outcome of the Review Conference, as described above, should, in our view, be taken into account in the forthcoming report of the Secretary-General when considering the possible recommendations regarding further appropriate measures to limit the export of anti-personnel land-mines, as addressed in paragraph 3 of resolution 48/75 K.

(g) Finally, Finland wishes to bring to the attention of the Secretary-General the fact that Finland does not export anti-personnel land-mines as described in resolution 48/75 K. Thus, Finland already now applies in practice the said moratorium.

FRANCE

[Original: French]

[21 June 1994]

1. On 11 February 1993, France confirmed that it would refrain from exporting anti-personnel mines and called upon other States to declare a moratorium on such exports. France is enforcing a moratorium on the export of all types of anti-personnel land-mines, regardless of their destination.

2. France was one of the sponsors of the draft resolution entitled "Moratorium on the export of anti-personnel land mines" and it welcomed the General Assembly's consensus adoption of the resolution, which calls upon States to agree to a moratorium on the export of anti-personnel land-mines that pose grave dangers to civilian populations.

3. France hopes that all States will cooperate in this endeavour and thus contribute to efforts to halt the proliferation of anti-personnel mines.

GERMANY

[Original: English]

[22 June 1994]

1. The German Government decided on 8 June 1994 to impose a moratorium on the export of anti-personnel land-mines. Accordingly, the export of anti-personnel land-mines from Germany is now generally prohibited.

2. The ban on exports has an initial duration of three years, as Germany is seeking an international agreement in the long term. It is emphasized in this context that the production and the export of anti-personnel land-mines were already subject to strict statutory restrictions before the moratorium was declared.

3. The German Government took its decision of 8 June 1994 inter alia in response to paragraphs 1 and 2 of resolution 48/75 K which read:

> "1. Calls upon States to agree to a moratorium on the export of anti-personnel land-mines that pose grave dangers to civilian populations;
>
> "2. Urges States to implement such a moratorium;".

4. By imposing a moratorium, the German Government also intends to promote the further development of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, of 1980, and particularly its Protocol II. Germany hopes that other producers of mines will associate themselves with this step by also declaring moratoria on the export of anti-personnel land-mines.

GREECE

[Original: English]

[13 June 1994]

1. Greece has decided to declare a moratorium, without exception, on the export, sale or transfer of all anti-personnel land-mines.

2. This measure is taken within the framework of compliance with General Assembly resolution 48/75 K, entitled "Moratorium on the export of anti-personnel land-mines", of 16 December 1993, which "calls upon States to agree to a moratorium on the export of anti-personnel land-mines that pose grave dangers to civilian populations".

ISRAEL

[Original: English]

[27 July 1994]

1. I have the honour to bring to your attention the following decision of the Government of Israel to declare a two-year moratorium on the export of anti-personnel land-mines.

2. Land-mines planted during times of armed conflict, and left after the conflict is over, have caused many tragedies for a great number of civilians. The proliferation of land-mines has had tragic consequences, and it is estimated that more than 85 million undeclared land-mines are scattered over 62 countries.

3. Addressing the world-wide effort to reduce the damage caused by anti-personnel land-mines, the Government of Israel has decided upon a moratorium of two years on the transfer of anti-personnel land-mines. During this period, Israel will work with other interested parties to review the establishment of a permanent regime for banning the transfer of anti-personnel land-mines.

4. In addition to the two-year moratorium, the Government of Israel offers its know-how, assistance and training in mine clearance.

5. The Government of Israel hopes that these steps, which are humanitarian in nature, will encourage other countries to follow suit.

MALTA

[Original: English]

[6 April 1994]

As one of the main co-sponsors of resolution 48/75 K, the Government of Malta fully supports the thrust and objectives of this resolution and attaches particular importance to this question because of the associated humanitarian concerns. Malta therefore fully supports the call made in paragraph 1 of resolution 48/75 K to declare a moratorium on the export of anti-personnel land-mines.

SPAIN

[Original: Spanish]

[8 July 1994]

1. The Government of Spain is convinced that a moratorium on the export of anti-personnel land-mines would considerably reduce the human and economic costs of using such weapons.

2. A particularly harmful feature of such mines is that they continue to cause material damage and loss of life for years, or even decades, after hostilities have come to an end. Mine clearance is a slow and hazardous undertaking and, in certain cases, it is virtually impossible. It takes many years to clear small areas, and the number of mine-clearing personnel killed in the course of their duties is alarmingly high.

3. Consequently, the Spanish Government has decided to deny, beginning immediately and for a one-year period, which may be extended, any request for the export of anti-personnel mines.

4. This decision was adopted on 24 February 1994 by the competent authority of the Spanish Government, the Interministerial Regulatory Board for Foreign Trade in Defence and Dual-Purpose Equipment, which is composed of members of the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of the Interior, the Ministry of Economy and Finance and the Ministry of Industry, Commerce and Tourism.

5. At its meeting on 1 July 1994, the Spanish Council of Ministers took note of the above-mentioned decision of the Interministerial Regulatory Board.

6. Spain calls upon all countries of the international community to declare a moratorium on the export of anti-personnel mines, similar to the moratorium declared by Spain, since it is convinced that such initiatives will help mitigate the serious harm that the use of such arms causes to people and property.

7. The Spanish Government's decision is fully in keeping with the following recent actions it has taken:

(a) Sponsorship, together with its partners in the European Union, at the forty-eighth session of the General Assembly, of Assembly resolution 48/7 on assistance in mine clearance;

(b) Ratification on 29 December 1993 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Harmful or Have Indiscriminate Effects, which entered fully into force in Spain on 29 June 1994;

(c) Participation in preparations for the next review conference to amend the above-mentioned Convention, which will be held in 1995, and which will be devoted in particular to tightening restrictions on the use of mines.

TURKEY

[Original: English]

[24 May 1994]

The Permanent Representative of Turkey to the United Nations presents his compliments to the Secretary-General of the United Nations and with reference to the latter's note verbale dated 3 March 1994, No. CDA/13-94/APLM, has the honour to inform him that Turkey is not an exporter of anti-personnel land-mines.

UKRAINE

[Original: English]

[7 July 1994]

The Permanent Mission of Ukraine to the United Nations presents its compliments to the Secretary-General of the United Nations and with reference to the latter's notes verbales Nos. DA/12-94/ITUCW dated 2 March 1994 and CDA/13-94/APLM dated 3 March 1994 has the honour to communicate that Ukraine supports the proposal to introduce a moratorium on the export of anti-personnel land-mines. Moreover, Ukraine is working out national measures to introduce a moratorium on the export of anti-personnel land-mines and to strengthen control over the illicit use of conventional weapons.

UNITED STATES OF AMERICA

[Original: English]

[7 July 1994]

1. The United States believes the international community should take strong action to reduce the threat posed to civilian populations by the indiscriminate use of land-mines. Hence, on 11 November 1993, the United States formally introduced in the First Committee of the General Assembly a draft resolution calling for an export moratorium. We believe this is but a first step towards addressing the scope of problems associated with indiscriminately placed land-mines. Efforts to clear mines already laid, to strengthen the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and to establish an international control regime are critical elements of a global strategy to address this devastating problem.

2. On 30 November 1993, the United States enacted a three-year extension of its moratorium on the export of anti-personnel land-mines (Public Law 103-160; 30 November 1993).

3. In addition, we have approached States which either produce or export anti-personnel land-mines, requesting that they also adopt export moratoria. We plan to follow up these efforts by proposing discussions which will result in a more permanent international control regime for anti-personnel land-mines. Finally, on 12 May, the United States forwarded to the United States Senate for advice and consent to ratification the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

IV. FURTHER APPROPRIATE MEASURES WHICH COULD BE TAKEN TO LIMIT THE EXPORT OF ANTI-PERSONNEL LAND-MINES

23. The initiatives and proposals presented by several Member States unilaterally, multilaterally or regionally are significant and represent major progress in the global effort to deal effectively with the problems caused by the indiscriminate use of anti-personnel land-mines. However, some Member States and a number of relief and non-governmental organizations involved in activities related to mine clearance are convinced that the initiatives and proposals referred to previously do not go far enough.

24. Their argument, expressed on different occasions and in various forms, including a number of publications distributed on the subject, can be summarized as follows: anti-personnel land-mines are inexpensive and easy to use. They always have indiscriminate effects because, regardless of how sophisticated their technology may be, they cannot distinguish between a civilian and a combatant. Any prohibition or restriction of their use is likely to be difficult to comply with and hard to verify, also because anti-personnel land-mines are frequently used in internal conflicts by dissident armed forces or other organized armed groups. The military utility of anti-personnel land-mines

should therefore be re-evaluated in the light of the long-term social, economic and environmental damage they may cause.

25. The preferred outcome for the International Committee of the Red Cross or for international relief organizations such as the Office of the United Nations High Commissioner for Refugees or the United Nations Children's Fund would be a complete ban on the production, transfer, stockpiling and use of land-mines. As mentioned earlier, Estonia, Sweden and Mexico have advocated the establishment of a total ban on anti-personnel land-mines. To that effect, Estonia and Sweden have presented a draft additional protocol to the Convention and a draft article for Protocol II, respectively.

26. The ultimate goal of establishing a total ban on land-mines has to be kept in view for humanitarian reasons and with the hope that the military utility of anti-personnel land-mines can be re-evaluated. A total ban would be easier to implement, monitor and verify. It would guarantee more than any other measure that the indiscriminate killing and maiming of civilians occurring nowadays would ultimately cease.

27. Short of a total ban, several measures are likely to improve the existing situation by protecting civilians from the indiscriminate effects of anti-personnel land-mines. The strengthening of the prohibitions and restrictions on the use of land-mines, booby traps and other devices already included in Protocol II, and the obligation of each party to a conflict to clear all mines at the end of active hostilities, would serve as the cornerstones of a regime for the protection of civilians. The inclusion of armed conflicts not of an international character in the scope of application of the amended Protocol II would extend to innumerable civilians the protection afforded by its provisions. The prohibition on the development, manufacture, stockpiling and transfer of those mines whose use is prohibited would make it more difficult to violate the provisions of Protocol II. It would also be logical, since it would be difficult to understand why a certain type of mine could be developed, manufactured, stockpiled and transferred if it could not be used.

28. A revised Protocol II of the Convention, containing the above-mentioned provisions, could include a comprehensive compliance and verification regime based on the principle of cooperative implementation, i.e., the joint commitment of the States parties to cooperate actively for the gradual implementation of the Protocol. It could also include provisions for the protection of United Nations authorized forces or missions and other international relief missions from the effects of land-mines.

29. The laudable initiative of tne States parties to the Convention to convene a review conference in the autumn of 1995 to examine, inter alia, a revised Protocol II on prohibitions or restrictions on the use of mines, booby traps and other devices opens a window of opportunity for the international community to take decisive steps towards the full protection of civilians from the indiscriminate effects of land-mines. The Secretary-General can only recommend that the Member States of the Organization make every possible effort to rise to the humanitarian challenge, developing and endorsing at the review conference a set of provisions which would effectively eliminate the threat of land-mines.

Notes

1/ See The United Nations Disarmament Yearbook, vol. 5:1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

2/ Ibid., Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices.